

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ROBERT DAVID STEELE )  
-and- )  
EARTH INTELLIGENCE NETWORK )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
 )  
JASON GOODMAN )  
PATRICIA A. NEGRON )  
 )  
-and- )  
 )  
SUSAN A. LUTZKE a/k/a )  
“QUEEN TUT” )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case 3:17-cv-601-MHL

**PLAINTIFFS’ MEMORANDUM IN OPPOSITION**  
**TO DEFENDANT, JASON GOODMAN’S,**  
**MOTION TO SEVER**

Plaintiffs, Robert David Steele and Earth Intelligence Network (“Plaintiffs”), by counsel, pursuant to Local Civil Rule 7, respectfully submit this Memorandum in Opposition to the “motion to sever” [ECF No. 46] filed by *pro se* defendant, Jason Goodman (“Goodman”).

Goodman’s motion to sever violates Local Civil Rule 7, violates Rule 11 of the Federal Rules of Civil Procedure, contravenes Title 28 U.S.C. § 1927, and it is otherwise baseless and sanctionable.

**ABSOLUTELY NO “evidence”** has “come to light which shows that one or both of the co-defendants may have been cooperating or conspiring with Plaintiff to deliberately provide Goodman with false information and fraudulent evidence and to persuade Goodman into doing broadcasts in support of this false evidence”. Goodman claims that:

“Codefendants Queen Tut/Lutzke/Holmes and Negron have collaborated to gain Goodman’s trust so as to infiltrate his legal defense in this matter. Goodman believes this was done to sabotage the defense and/or to supply strategic information to Plaintiff, further exacerbating the challenge of answering the complaint and otherwise defending against the baseless allegations. Codefendants Queen Tut/Lutzke/Holmes and Negron have conspired to defame Goodman since the filing of Plaintiffs original action. Codefendants Queen Tut/Lutzke/Holmes and Negron have conspired to incite Plaintiff, provoking the motion to amend the complaint.”

[*ECF No. 46, pp. 2, 4*]. Goodman’s argument is without any evidentiary support. He does not identify a single credible fact – as opposed to his “beliefs” – to support his conclusory statements. His motion is a paranoid rant. It is preposterous and illogical.

Beginning on page 5 of his “motion to sever”, Goodman refers to an “email” he received on June 26, 2017 from his co-defendant, Lutzke. Goodman states that he had no prior knowledge of Lutzke before this email. [*ECF No. 46, p. 5*]. Goodman then rambles on for several pages until he cites “[a]nother example of codefendants alleged deceptive actions” on page 8 of his motion. For unknown reasons, Goodman then refers to the following tweet published on September 6, 2017 by a Twitter account called “@SilverStanNM”:



Goodman then claims that he called “Stan Pena”. Goodman attempts to interject objectionable hearsay into the record and speculates that the September 6, 2017 tweet was “likely created by Codefendant, Plaintiff or another individual acting in concert, and sent to deliberately mislead Goodman to the conclusion that the woman in question was Susan Lutzke”. **This is an intentionally false and baseless accusation.** On page 10 of his “motion to sever”, Goodman asserts that “Codefendant Patricia Negrón has collaborated with Queen Tut/Lutzke/Holmes in multiple on-line defamation attacks of

Goodman's character and credibility at the same time maligning Plaintiff with no obvious purpose other than deliberately damaging Goodman and aiding Plaintiff by providing a pre-text for amending the initial complaint in which Goodman is codefendant." Goodman does not identify or offer the Court a single tweet, post, video, blog, etc. by Negron or Lutzke to support his claim that Negron and Lutzke made "on-line defamation attacks" against him at any time.

Goodman concedes that Plaintiffs have stated claims for business conspiracy and common law conspiracy upon which relief can be granted. He makes no motion to dismiss these claims under Rule 12(b)(6). Goodman also concedes as he must that the three (3) co-conspirators, who appear together and act in concert in virtually every YouTube video at issue and who tweet and retweet each other's defamation, were properly joined in one action as defendants under Rule 20(a)(2).

On the final page of his "motion to sever", Goodman offers the sole reason why he feels "severance" is warranted: Lutzke submitted "fraudulent" documents to the Court. [*ECF Nos. 31 and 33 (the letters from "Mercia Francis")*]. Goodman argues:

**Codefendant "Queen Tut" Susan Lutzke (aka Susan Holmes) has proven throughout the course of this action that she is determined to resist service and is willing to resort to filing false documents to do so. The letters filed and entered with the court on February 23, 2018 and March 1, 2018 contain a series of false representations and statements either written by the codefendant or yet another coconspirator writing on the codefendant's behalf. We know from video evidence presented by Goodman on YouTube and detailed by Plaintiff in the amended complaint that the person in question is not an eighty-year-old woman.**

Lutzke's misconduct subjects her to sanctions by the Court and provides an opportunity for impeachment, but it does not provide a ground to sever the claims of

Plaintiffs. Although Goodman makes passing reference to Rule 42 of the Federal Rules of Civil Procedure, he makes no effort to show why a separate trial would be necessary.

**CONCLUSION**

For the reasons stated above, Plaintiffs respectfully request the Court to deny Goodman's motion to sever and to award Plaintiffs attorney's fees incurred to respond to this motion (4 hours x. \$475/hr = \$1,900.00).

DATED: May 14, 2018

ROBERT DAVID STEELE  
EARTH INTELLIGENCE NETWORK

By: /s/Steven S. Biss  
Steven S. Biss (VSB # 32972)  
300 West Main Street, Suite 102  
Charlottesville, Virginia 22903  
Telephone: (804) 501-8272  
Facsimile: (202) 318-4098  
Email: [stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)

*Counsel for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2018 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for Defendant, Patricia A. Negron, and all interested parties receiving notices via CM/ECF. I also certify that a copy of this pleading was emailed in PDF to Defendants, Goodman and Lutzke

By: /s/Steven S. Biss  
Steven S. Biss (VSB # 32972)  
300 West Main Street, Suite 102  
Charlottesville, Virginia 22903  
Telephone: (804) 501-8272  
Facsimile: (202) 318-4098  
Email: [stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)

*Counsel for the Plaintiffs*